

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

LA.App..No. 942 of 2000(A)

LAR.274/1997 of PRL.SUB COURT, KOZHIKODE

.....

APPELLANT: RESPONDENT

STATE OF KERALA

**BY GOVERNMENT PLEADER SMT.K.R.DEEPA
ADVOCATE GENERAL**

RESPONDENT: CLAIMANT

**T./P.ABOOBAKER, THAMARASSERY,
PARAYIL, PALLALUR P.O. R.E.C.,
CHATHAMANGALAM, KOZHIKODE.**

**BY ADV. SRI.THOMAS ANTONY
SRI.K.M.JAMALUDHEEN**

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 22/10/2007, LAA. NO.1106/2000 AND CONNECTED CASES
THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

LAA. NO.942/2000

ORDER ON CMP. NO.462/2001 IN LAA. 942/2000

DISMISSED

22.10.2007

SD/- KURIAN JOSEPH, JUDGE

SD/- HARUN-UL-RASHID

/TRUE COPY/

P.S. TO JUDGE

tss

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

**L.A.A.Nos.942, 1106 & 1417 of 2000
878, 881 & 1042 of 2001
252 of 2003.**

Dated: October 22, 2007

JUDGMENT

Kurian Joseph, J.

These are appeals filed by the State aggrieved by the fixation of land value at the rate of Rs.25,000/- per cent for garden land and Rs.12,000/- for wet land by the Reference Court - Sub Court, Kozhikode. The acquisition is for the construction of a bridge and approach road at Kurungottukadavu. It is brought to our notice that there are no appeals against some of the cases covered by the common judgment - LAR Nos.257, 295, 304 of 1997 etc. That apart, it is seen that the fixation made by the Reference Court is on the basis of the evidence available on record. There is no evidence for the respondents. The advocate commissioner who inspected the property with the assistance of an expert engineer, reported that the value would be around Rs.29,000/- per cent. The advocate commissioner reported that the acquired property is in a pucca residential area. There are four private hospitals, police station, RTO office, two schools, petrol pump etc. within 1.5 kms. of the acquired land. In view of the importance of the locality only, fixation at the rate of Rs.25,000/- for garden land and Rs.12,000/- for wet land was made by the Reference Court. In view of the finality obtained in the value of the property, as there are no appeals in some of the connected cases and on

L.A.A.Nos.942, 1106 & 1417 of 2000
878, 881 & 1042 of 2001
252 of 2003.

Page numbers

merits also we are of the view that the fixation made by the court below is just and proper.

2. The claimants have a grievance that they have not been granted interest on solatium. Being a settled position, we hold that the claimants shall be entitled to interest on solatium and all other statutory benefits.

Subject to the above clarifications, these appeals are dismissed.

**KURIAN JOSEPH
JUDGE**

**HARUN-UL-RASHID
JUDGE.**

mt/-

L.A.A.Nos.942, 1106 & 1417 of 2000
878, 881 & 1042 of 2001
252 of 2003.

Page numbers

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.Nos.942, 1106 & 1417 of 2000
878, 881 & 1042 of 2001
252 of 2003.

JUDGMENT

22.10.2007